

30392. Shelled walnuts. (F.D.C. No. 50311. S. No. 25-426 A.)

QUANTITY: 59 30-lb. ctns. at Chicago, Ill.

SHIPPED: 4-1-64, from Eugene, Oreg., by L. N. Miller Dehydrator Co.

LABEL IN PART: (Ctn.) "M. Nuggett Newberg Brand Oregon Walnut Meats,
Packed by Fred Herring Nut Sheller Newberg, Oregon."

LIBELED: 6-26-64, N. Dist. Ill.

CHARGE: 402(a) (3)—contained *E. coli* when shipped.

DISPOSITION: 2-16-65. Consent—destruction.

30393. Unshelled walnuts, almonds, pecans, brazil nuts, and filberts. (F.D.C. No. 51378. S. Nos. 7-098/100 B, 7-102/5 B.)

QUANTITY: 74 100-lb. bags of walnuts, 25 100-lb. bags of almonds, 34 100-lb. bags of large pecans, 42 100-lb. bags of brazil nuts, 70 100-lb. bags of filberts, 20 50-lb. bags of extra large pecans and 40 50-lb. bags of polished pecans, at Topeka, Kans.

SHIPPED: Between 10-23-64 and 12-14-64, from Modesto, Calif., Dallas, Tex., and Dundee, Oreg.

RESULTS OF INVESTIGATION: Inspection of the Fleming Co., Inc., Topeka, Kans., showed that the articles had been stored under insanitary conditions in a rodent-infested warehouse; and thereafter the Fleming Co., Inc., had stored the articles elsewhere locally.

LIBELED: 5-12-65, Dist. Kans.

CHARGE: 402(a) (3)—all lots contained rodent urine and the 40-bag lot of pecans contained rodent hairs; and 402(a) (4)—all lots held under insanitary conditions.

DISPOSITION: 7-1-65. Consent—claimed by the Fleming Co., Inc. Segregated; 430 lbs. walnuts destroyed; 347 lbs. almonds destroyed; 592 lbs. large pecans destroyed; 305 lbs. extra large pecans destroyed; 30 lbs. brazil nuts destroyed; 1,219 lbs. filberts destroyed; and 444 lbs. polished pecans destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

30394. Facto-B vitamin tablets. (F.D.C. No. 49943. S. Nos. 49-873/4 A.)

QUANTITY: 13 21-tablet btls. and 164 100-tablet btls. at Detroit, Mich., in possession of Linblad's, Inc.

SHIPPED: 11-6-63 and 12-11-63, from Cedar Rapids, Iowa, by Professional Foods.

LABEL IN PART: (Btl.) "Facto-B Made from * * * and other Lipotropic Factors from food sources Each Tablet Contains * * * Liver-Stomach Concentrate (contains Intrinsic Factor) 130 Mg. * * * Iron (Ferrous Fumarate) 110 Mg. [MDR] 200% * * * Vitamin B₂ 7.5 Mg. [MDR] 375% * * * Folic Acid 0.15 Mg. * * * Directions Use one tablet per meal. * * * Distributed by Professional Foods, Cedar Rapids, Iowa."

RESULTS OF INVESTIGATION: The articles had been repacked by the dealer into bottles from bulk tablets shipped as above.

LIBELED: 3-27-64, E. Dist. Mich.

*See also Nos. 30350, 30367.

CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the articles contained folic acid and intrinsic factor, food additives, which were unsafe within the meaning of 409, since they and their use or intended use were not in conformity with a regulation or exemption; and 403(a)—while held for sale, the label statements "Each Tablet Contains * * * Iron (Ferrous Fumarate) 110 mg. [MDR] 200% * * * Vitamin B₂ 7.5 mg. [MDR] 375%" were false and misleading, since the label statement that each tablet contained 110 mg. of Iron (Ferrous Fumarate) was inconsistent with the label statement that each tablet contained 200% of the minimum daily requirement for Iron (Ferrous Fumarate), and since the label statement that each tablet contained 7.5 mg. of Vitamin B₂ was inconsistent with the label statement that each tablet contained 375% of the minimum daily requirement for Vitamin B₂.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 8187.

DISPOSITION: 5-14-64. Default—destruction.

30395. Vita Zest medicated premix. (F.D.C. No. 50105. S. Nos. 71-477 A, 71-480 A.)

QUANTITY: 10 5-lb. cans and 27 2½-lb. cans at Blooming Prairie, Minn.

SHIPPED: Between 1-30-64 and 3-16-64, from Wessington Springs, S. Dak., by Vita Zest Corp.

LABEL IN PART: (Can) "Vita Zest Oxytetracycline (Terramycin) 3.2 grams per pound * * * Manufactured by Vita Zest Corporation Wessington Springs South Dakota * * * Poultry Sick Chickens-Chronic respiratory disease (air sac), Blue comb (nonspecific enteritis), use 2 tablespoonsful to 1 gallon of drinking water for 4 days or mix 1 lb. of Vita Zest to 100 lbs. feed for 10 days * * * Swine For Bacterial enteritis (necro) (scours) use 2 tablespoonsful to 1 gallon of drinking water, slop or milk for 4 days, then 2 tablespoonsful to 8 gallons of water for 10 days. Use 1 lb. to 100 lbs. of feed for 10 days."

LIBELED: 5-5-64, Dist. Minn.; libel amended 6-30-64.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, oxytetracycline, which was unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in that it failed to comply with regulations since the directions for use did not provide sufficient oxytetracycline levels for the treatment of chronic respiratory disease and blue comb in sick chickens.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 8199.

DISPOSITION: 7-24-64. Default—destruction.

30396. Allocaps capsules. (F.D.C. No. 51419. S. No. 16-307 B.)

QUANTITY: 37 100-capsule btls., and 52 250-capsule btls., at Los Angeles, Calif., in possession of Vitamin Quota.

SHIPPED: 1-20-65, from New York, N.Y.

LABEL IN PART: (Btl.) "Allocaps Vitamins in each capsulet—Folic Acid 0.34 milligrams—average adult dose: One capsulet daily—Distributed by Vitamin Quota, New York-Los Angeles."